

ESTTA Tracking number: **ESTTA599570**

Filing date: **04/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215338
Party	Defendant EMIT Technologies, Inc.
Correspondence Address	JOEL D. LEVITON FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022 tmdoctc@fr.com;mee@fr.com
Submission	Answer
Filer's Name	Elizabeth E. Brenckman
Filer's e-mail	brenckman@fr.com, mee@fr.com, tmdoctc@fr.com
Signature	/Elizabeth E. Brenckman/
Date	04/21/2014
Attachments	2014-04-21 Answer to Notice of Opposition (EMIT).pdf(110386 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EMITEC GESELLSCHAFT FUR
EMISSIONSTECHNOLOGIE MBH,

Opposer,

v.

EMIT TECHNOLOGIES, INC.,

Applicant.

Opposition No.: 91215338

Mark: EMIT

App. Ser. No. 85/912,789

Published: September 10, 2013

ANSWER TO NOTICE OF OPPOSITION

Through the undersigned counsel, Applicant EMIT Technologies, Inc. (“Applicant”) answers the Notice of Opposition filed against U.S. Application Ser. No. 85/912,789 by Opposer Emitec Gesellschaft fur Emissionstechnologie MBH (“Opposer”). The Answer paragraphs are numbered to correspond to the numbered paragraphs of the Notice of Opposition.

The first paragraph of the Notice of Opposition is an introductory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Applicant denies that Opposer will be damaged by registration of the mark shown in U.S. Application Ser. No. 85/912,789.

1. Applicant admits the allegations contained in this paragraph.
2. Applicant admits the allegations contained in this paragraph.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

4. Applicant admits that Opposer is listed as the owner of record for Reg. No. 1,447,143 but is otherwise without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph and, therefore, denies the same.

6. Applicant admits the allegations contained in this paragraph.

7. Applicant denies the allegations contained in this paragraph.

8. Applicant denies the allegations contained in this paragraph.

9. Applicant denies the allegations contained in this paragraph.

10. Applicant denies the allegations contained in this paragraph.

11. Applicant denies the allegations contained in this paragraph.

12. Applicant denies the allegations contained in this paragraph.

The final paragraph of the Notice of Opposition is a conclusory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Applicant denies that Opposer will be damaged by registration of the mark shown in U.S. Application Ser. No. 85/912,789.

WHEREFORE, Applicant EMIT Technologies, Inc. respectfully requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition with prejudice.

Respectfully submitted,

Date: April 21, 2014

/s/ Elizabeth E. Brenckman
Elizabeth E. Brenckman
FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

ATTORNEYS FOR EMIT TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Answer to Notice of Opposition has been served this 21st day of April, 2014 by First Class U.S. Mail, postage prepaid, upon Opposer Emitec Gesellschaft fur Emissionstechnologie MBH's attorney of record at the following address:

Marie-Anne Mastrovito
Abelman Frayne & Schwab
666 Third Avenue
New York, NY 10017

/s/ Elizabeth E. Brenckman
Elizabeth E. Brenckman